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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:19-cr-227
1:23-cr-37
(LJV)

v.

PETER GERACE, JR.,

November 19, 2024

Defendant.

TRANSCRIPT EXCERPT - EXAMINATION OF JOSEPH KRYWALSKI
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES: TRINI E. ROSS, UNITED STATES ATTORNEY
BY: JOSEPH M. TRIPPI, ESQ.

NICHOLAS T. COOPER, ESQ.
CASEY L. CHALBECK, ESQ.

Assistant United States Attorneys
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For the Plaintiff

THE FOTI LAW FIRM, P.C.

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And

SOEHNLEIN LAW

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For the Defendant

PRESENT: KAREN A. CHAMPOUX, USA PARALEGAL
BRIAN A. BURNS, FBI SPECIAL AGENT
MARILYN K. HALLIDAY, HSI SPECIAL AGENT
OLIVIA A. PRIOIA, J.D., PARALEGAL

LAW CLERK: REBECCA FABIAN IZZO, ESQ.

COURT CLERK: COLLEEN M. DEMMA

REPORTER: ANN MEISSNER SAWYER, FCRR, RPR, CRR
Robert H. Jackson Courthouse
2 Niagara Square Buffalo, New York 14202
Ann_Sawyer@nywd.uscourts.gov

11:16AM 1 (Excerpt commenced at 11:16 a.m.)

11:17AM 2 (Jury seated at 11:16 a.m.)

11:17AM 3 **THE COURT:** The record will reflect that all our
11:17AM 4 jurors are again present.

11:17AM 5 The government can call its next witness.

11:17AM 6 **MS. CHALBECK:** Thank you, Your Honor. The government
11:17AM 7 calls Joseph Krywalski.

11:17AM 8

11:17AM 9 **J O S E P H K R Y W A L S K I**, having been duly called and
11:17AM 10 sworn, testified as follows:

11:17AM 11 **MS. CHALBECK:** May I inquire, Judge?

11:17AM 12 **THE COURT:** You may.

11:17AM 13

11:17AM 14 **DIRECT EXAMINATION BY MS. CHALBECK:**

11:17AM 15 Q. Good morning.

11:17AM 16 A. Good morning.

11:17AM 17 Q. How are you?

11:17AM 18 A. Good, how are you?

11:17AM 19 Q. Please introduce yourself to the jury.

11:17AM 20 A. My name is Zone Sergeant Joseph Krywalski.

11:17AM 21 Q. And what do you do for work, sir?

11:17AM 22 A. I am employed by the New York State Police.

11:17AM 23 Q. How long have you been with the New York State Police?

11:18AM 24 A. About 19 and a half years now.

11:18AM 25 Q. Can you just walk the jury through the different

11:18AM 1 positions you've had while there?

11:18AM 2 A. I started as a road trooper working my way back from
11:18AM 3 downstate to upstate. Then was promoted to sergeant, and
11:18AM 4 then eventually a zone sergeant.

11:18AM 5 Q. In your capacity as a road patrol trooper, did you come
11:18AM 6 into contact with a person named Jessica Leyland?

11:18AM 7 A. I did.

11:18AM 8 Q. How -- how do you know that person?

11:18AM 9 A. She was -- I arrested her on a traffic stop.

11:18AM 10 Q. Do you remember the date that you arrested her?

11:18AM 11 A. It was August 2nd, 2013.

11:18AM 12 Q. And do you remember the time of day that you arrested
11:18AM 13 Ms. Leyland?

11:18AM 14 A. Approximately 2:35, in that area, in the morning.

11:18AM 15 Q. In the morning, a.m.?

11:18AM 16 A. Correct.

11:18AM 17 Q. And can you just explain to the jury the circumstances of
11:18AM 18 the stop?

11:18AM 19 A. I was on patrol on Transit Road in the Town of Clarence,
11:18AM 20 Cheektowaga, Lancaster area. We conducted a traffic stop on
11:19AM 21 a vehicle that had turned onto Transit Road. The vehicle was
11:19AM 22 un-inspected and turned improperly onto Transit. We did a
11:19AM 23 routine traffic stop on the car.

11:19AM 24 When we approached the vehicle, I was with a partner at
11:19AM 25 the time, he was in the driver side I was in the passenger

11:19AM 1 side. As soon as we walked up to the car, I saw in plain
11:19AM 2 view illegal drugs on the passenger's side seat, as well as
11:19AM 3 in the gear shifter and in the ashtray.

11:19AM 4 Q. And let me stop you right there. We'll break this down a
11:19AM 5 little bit.

11:19AM 6 You said that you -- you pulled Ms. Leyland over on
11:19AM 7 Transit Road; is that correct?

11:19AM 8 A. That's correct.

11:19AM 9 Q. Where in relation to Pharaoh's Gentlemen's Club did you
11:19AM 10 pull Ms. Leyland over?

11:19AM 11 A. Within eyesight. I mean she -- the infraction happened
11:19AM 12 at Aero and Transit, which you can almost see the club from
11:19AM 13 there. And then the actual traffic stop occurred at
11:19AM 14 Cloverleaf, I believe, which is just south on Transit.

11:20AM 15 Q. Okay. So, fair to say that you saw the -- the illegal
11:20AM 16 turn, the infraction, and then it took a while to pull -- to
11:20AM 17 make a successful stop?

11:20AM 18 A. That's correct.

11:20AM 19 Q. Okay. You mentioned that you saw illegal drugs in plain
11:20AM 20 view. What drugs did you see?

11:20AM 21 A. There was a large amount of cocaine on the passenger's
11:20AM 22 side front seat. And there was an unburned marijuana
11:20AM 23 cigarette in the gear shifter on the -- her side of the car,
11:20AM 24 as well as a burnt marijuana cigarette in the ashtray. And
11:20AM 25 at this time, marijuana was still illegal.

11:20AM 1 Q. Now you mentioned that there was cocaine in the
11:20AM 2 passenger's seat. Was there anyone else in the vehicle at
11:20AM 3 the time?

11:20AM 4 A. No.

11:20AM 5 Q. Did you, after you saw the cocaine, did you make an
11:20AM 6 arrest of Ms. Leyland?

11:20AM 7 A. Yes.

11:20AM 8 Q. After making the arrest, did you complete an inventory
11:20AM 9 inspection of the vehicle?

11:21AM 10 A. I did.

11:21AM 11 Q. Can you just explain to the jury what that means, an
11:21AM 12 inventory inspection?

11:21AM 13 A. So we -- the state police has a form that we do when
11:21AM 14 we're towing a vehicle. It's essentially an inventory of the
11:21AM 15 contents of the vehicle, so the state can't be held liable if
11:21AM 16 some of those items go missing.

11:21AM 17 Q. And so when you completed this inventory check of the
11:21AM 18 vehicle, did you find articles of clothing?

11:21AM 19 A. I did.

11:21AM 20 Q. Can you describe for the jury the kinds of clothing that
11:21AM 21 you found?

11:21AM 22 A. It was all women's clothing, mostly scantily-clad items.

11:21AM 23 Q. Did it look consistent with stripper clothing?

11:21AM 24 A. It did.

11:21AM 25 Q. Okay. Going back to the cocaine, did you ultimately

11:21AM 1 weigh out the amount of cocaine that was in the passenger's
11:21AM 2 seat of this vehicle?

11:21AM 3 A. I did.

11:21AM 4 Q. How many grams or how much cocaine was there?

11:21AM 5 A. I believe just over 31 grams, approximately. A little
11:21AM 6 more than nine 8 Balls, I want to say.

11:22AM 7 **MS. CHALBECK:** May I have one moment, Your Honor?

11:22AM 8 **THE COURT:** Sure.

11:22AM 9 **BY MS. CHALBECK:**

11:22AM 10 Q. A couple more questions on that cocaine.

11:22AM 11 Was it one big bag of cocaine? Or was it packaged in a
11:22AM 12 certain way?

11:22AM 13 A. So it was one large baggie containing 39
11:22AM 14 individually-packaged baggies.

11:22AM 15 Q. Based on your training and experience, is that consistent
11:22AM 16 with selling user quantities?

11:22AM 17 A. It is.

11:22AM 18 Q. Do you know many drug users who just have 31 grams of
11:22AM 19 cocaine for their own personal use?

11:22AM 20 A. No.

11:22AM 21 **MS. CHALBECK:** Okay. No further direct, Your Honor.

11:22AM 22 **THE COURT:** Any cross?

11:22AM 23 **MR. SOEHNLEIN:** Just briefly.

11:22AM 24

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11:22AM

1 **CROSS-EXAMINATION BY MR. SOEHNLEIN:**

11:22AM

2 Q. You said this was 2013?

11:22AM

3 A. That's correct.

11:22AM

4 **MR. SOEHNLEIN:** That's all I have. Thank you.

11:22AM

5 **THE COURT:** You can step down, sir. Thank you.

11:22AM

6 **THE WITNESS:** Thank you, Judge.

11:22AM

7 (Witness excused at 11:22 a.m.)

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(Excerpt concluded at 11:22 a.m.)

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CERTIFICATE OF REPORTER

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s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR

Official Court Reporter

U.S.D.C., W.D.N.Y.

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